

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 29, 2008

DIVISION ONE

B197743 Yan Ju Wang (Certified for Publication)
 v.
 George Valverde, as Director etc.

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

B199625 People (Not for Publication)
 v.
 Rafael H. Figueroa

The judgment is affirmed.

Vogel (Miriam A.), J.

I concur: Jackson, J. (Assigned)
I dissent: Mallano, Acting P.J. (Opinion)

April 29, 2008 (Continued)

DIVISIONONE (continued)

B203138 People (Not for Publication)

V.

Harold Bridges

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B201891 People (Not for Publication)

V.

Michael S. Aguinaldo

The judgment is affirmed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
Jackson, J. (Assigned)

B199557 People (Not for Publication)

V.

Joan Marilyn Christopher

The judgment is affirmed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
Jackson, J. (Assigned)

April 29, 2008 (Continued)

DIVISION ONE (continued)

B197198 Elveta Louise Francis et al. (Not for Publication)

v.

State of California et al.

The order denying class certification is reversed, and the cause is remanded to the trial court with directions to grant the motion. Francis is awarded her costs on appeal.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
 Jackson, J. (Assigned)

B182877 People

v.

Fernando Lopez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B199728 People (Not for Publication)

v.

Soto

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION TWO (continued)

B202832 Los Angeles County, D.C.S. (Not for Publication)
v.
Christina H.

The order terminating parental rights is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B197402 Los Angeles County, D.C.S. (Not for Publication)
v.
Edward B., et al.

The order terminating parental rights is reversed and the matter is remanded for the limited purpose of directing the Department to comply promptly with the notice provisions of the ICWA by sending complete and accurate information to the tribes, the Department of the Interior and the BIA. Once the juvenile court determines that the tribes were properly noticed and there either was no response or the tribes determined that H.B. is not an Indian child, the order shall be reinstated. If, however, a tribe determines that H.B. is an Indian child and the court determines the ICWA applies to this case, the juvenile court is ordered to conduct a new section 366.26 hearing in conformance with all provisions of the ICWA. The order denying Father's section 388 petition is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

April 29, 2008 (Continued)

DIVISION TWO (continued)

B201244 Hoek (Not for Publication)

v.

California Department of Motor Vehicles

The judgment is affirmed. The DMV is entitled to its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION THREE

B197706 Tan, et al. (Certified for Partial Publication)

v.

Arnel Management Company, et al.

The judgment is reversed. Defendants are to bear the burden of costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

April 29, 2008 (Continued)

DIVISION FOUR

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B201516 People (Not for Publication)
v.
Benavides

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B197946 People (Not for Publication)
v.
Carson

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

April 29, 2008 (Continued)

DIVISION FOUR (continued)

B199923 People (Not for Publication)
v.
Nelson

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B195704 People (Not for Publication)
v.
Inga

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B194435 Merulo Properties (Not for Publication)
v.
Olympic Alameda Venture, et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION FIVE (continued)

B198892 Moawia Alazawi (Not for Publication)

v.

Mouly Ieng, et al

The judgment against Mouly Ieng is reversed; the judgment against SIE is affirmed. Parties to bear their own costs on appeal.

Armstrong, Acting P.J.

I concur: Kriegler, J.

I dissent: Mosk, J. (Opinion)

B202858 Nina Ringgold et al.,

v.

Aubry Family Trust

B203110 Nina Ringgold et al.,

v.

Myer Sankary, individually and as Trustee, etc.,

B203814 Nina Ringgold

v.

Myer Sankary

Filed order consolidating above captioned appeals.

April 29, 2008 (Continued)

DIVISION SIX

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B193622 MacDonald (Not for Publication)
v.
Wheeler

The judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B197073 People (Not for Publication)
v.
O'Halloran

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (continued)

B193144 Gonzalez et al., (Not for Publication)
 v.
 Sanchez

The judgment is affirmed. Respondents are entitled to their costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B198516 People
 v.
 Cienfuegos

Filed order vacating submission order of January 2, 2008.

B201812 People
 v.
 Velasquez

Filed order vacating submission to permit record to be augmented/corrected. Matter to stand re-submitted on May 5, 2008.

April 29, 2008 (Continued)

DIVISION SEVEN

B194448 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Zelon, J.

I concur: Woods, J.
I concur: Perluss, P.J. (Opinion)

[illegible]

The convictions are affirmed. The sentence is vacated and the cause remanded for resentencing.

Wiley, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

[illegible]

The cause is remanded to the superior court with directions to prepare a new abstract of judgment striking the 160 days of local conduct credits, and to forward the modified judgment to the corrections officials. As so modified, the judgment is affirmed.

Wiley, J. (Assigned)

We concur: Perluss, P.J.
Zelon, J.

April 29, 2008 (Continued)

DIVISION SEVEN (continued)

B200435 People (Not for Publication)
v.
Jaramillo

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Connie Hon, Deputy Clerk.

Each of the following:

B196551 Goldstein et al. v. Barak Constructions, Inc., et al.
B197512 Jang v. Era New Star Realty, Inc.
B199174 People v. Tejeda
B201273 People v. Malray
B194513 People v. Abergail
B192754 People v. Sanchez

DIVISION EIGHT (continued)

Each of the following (continued):

B197182 People v. Applegate
B201129 DCFS v. Charvondria M.
B201653 DCFS v. Manny C.
B196862 People v. Stevens

Argument waived, cause submitted.

B200693 Farwell, et al. v. Sunset Mesa Property Owners Association

Matter continued to May 28, 2008 at 1:00 p.m.

B190301 Armour
B191032 v.
 Ritter

Matter taken off calendar.

B192531 James Doe 1, 2 & 3
 v.
 The Archbishop of San Francisco et al.

Matter taken off calendar.

B196567 Jones,
 v.
 The Regents Of University Of California

Merits:

Argued by Alan Zuckerman for respondent and no appearances for
appellant. Cause submitted.

DIVISION EIGHT (continued)

B198133 Middleton
 v.
 L & J Assets, LLC

Merits:
Argued by David M. Brandon for appellant and by Rosendo Gonzalez for respondents. Cause submitted.

B187647 Horn
 v.
 Hoffman

Merits:
Argued by Rena Kreitenberg for appellant and by Frank W. Nemecek for respondent. Cause submitted.

B195304 Lorusso
 v.
 City Of Azusa

Merits:
Argued by John V. Gaule for appellant and by Cynthia M. Germano for respondent. Cause submitted.

Flier, J. left the bench.

B199777 Kim
 v.
 Porsche Cars North America, Inc., et al.

Merits:
Argued by David Barry for appellant and by Melanie Joo for respondents. Cause submitted.

Flier J. returned to the bench.

Egerton, J. (assigned) left the bench.

DIVISION EIGHT (continued)

B193733 People v. Marquez
B205102 In re Javier Marquez on Habeas Corpus.

Merits:

Argued by Edward Haggerty for Appellant/Petitioner and by Corey Robins, Deputy Attorney General for Respondent. Cause submitted.

Egerton, J. (assigned) returned to the bench.

Rubin, J., left the bench.

B193587 Fink et al.
v.
Signalife, Inc., et al.

Merits:

Argued by Luan K. Phan for appellants and by Keith A. Fink for respondent. Cause submitted.

Rubin, J. returned to the bench.

Cooper, P.J. left the bench.

B196400 Jango Capital, LLC, et al.,
v.
Steven & Renata Ritcheson;
David Weisman

Merits:

Argued by Roger Y. Muse for appellant and by James M. Pazos for respondent and by Heidi Binford for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Egerton, J. (Assigned) and Connie Hon, Deputy Clerk.

DIVISION EIGHT (continued)

B196131 Atlantic Mutual Insurance Company et al.
v.
White Consolidated Industries, Inc.

Merits:

Argued by Huey Cotton for appellants and by Joel B. Douglas for respondent. Cause submitted.

B197106 Yang et al.,
v.
Su et al.

Merits:

Argued by Stephen Ensberg for appellants and no appearances for respondents. Cause submitted.

B200799 Los Angeles County, D.C.S.
v.
Esperanza H.

Merits:

Argued by Michael A. Salazar for appellant and by Judith A. Luby, Deputy County Counsel for respondent. Cause submitted.

B193382 Los Angeles Community College District
v.
Torgow

Merits:

Argued by Steven Micheli for appellant and by Calvin House for respondent. Cause submitted.

Rubin, J. left the bench.

DIVISION EIGHT (continued)

B205474 Amanda H.

v.

Superior Court, Los Angeles County
(Department Of Children And Family Services, r.p.i.)

Merits:

Argued by Eliot Grossman for petitioner and by Kirstin Andreasen for real party in interest. Cause submitted.

B196057 Cheenan

v.

Countrywide Home Loans, Inc.;
Rapidigm, Inc.

Merits:

Argued by Gregory Karasik for appellant and by Gregg A. Fisch for respondent and by Frank Sandelmann for respondent. Cause submitted.

Court adjourned.

B197959 Alan Wayne

v.

DHL Worldwide Express

Filed order vacating submission order of January 31, 2008. Cause resubmitted.

DIVISION EIGHT (continued)

B191118 Larry Kaplan

(Certified for Publication)

V.

Adam N. Mamelak

The judgment for respondent is reversed, and the matter is remanded for further proceedings on appellant's causes of action for battery and medical malpractice. The trial court is directed (1) to vacate its orders sustaining the demurrers to the battery causes of action and denying the motion to compel discovery, and (2) to overrule the demurrers and grant the motion to compel. In reversing, we do not disturb the jury's special verdict finding appellant was on notice of wrongdoing by respondent on September 11, 2002. Although we leave the special verdict in place, it does not support judgment for respondent because it does not finally adjudicate appellant's timeliness in filing his cause of action for medical malpractice. We therefore remand the matter to permit appellant to prosecute his battery cause of action and to pursue discovery on the tolling of the statute of limitations for medical malpractice based on respondent's absence from California. Upon the completion of that discovery, the case may proceed on both causes of action as the trial court sees fit, including a further bifurcated trial on tolling of the statute of limitations if appropriate. Appellant to recover his costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.